

2013 DRAFTING REQUEST

Bill

Received: 1/24/2014

Received By: gmalaise

Wanted: Soon

Same as LRB:

For: Mark Born (608) 266-2540

By/Representing: John Cronin

May Contact:

Drafter: gmalaise

Subject: Employ Priv - minimum wage

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Rep.Born@legis.wisconsin.gov

Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Records of hours of employment; exception for exempt employees

Instructions:

See attached--exempt employers from having to keep records of the hours of bona fide executive, administrative, and professional employees

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 1/24/2014	kfollett 1/28/2014					
/P1	gmalaise 1/29/2014		rschluet 1/28/2014		srose 1/28/2014		
/1		jdyer 1/29/2014	jmurphy 1/29/2014		mbarman 1/29/2014	lparisi 1/29/2014	

FE Sent For:

None
Needed

<END>

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1/?	gmalaise	1/28	1/28	1/28			
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FE Sent For:

<END>

Malaise, Gordon

From: Cronin, John
Sent: Thursday, January 23, 2014 2:24 PM
To: Malaise, Gordon
Subject: Drafting request
Attachments: 13-0981_1.pdf

Hi Gordon,

I have a drafting request on behalf of Rep. Born. The language for the bill we want drafted is actually included within LRB 0981/1 which you authored. We would like you to remove Section 5 (amending s.104.09) from LRB 0981/1 and have it stand alone as its own bill. LRB 0981/1 is attached and I have highlighted the relevant section. Please let me know if you have any questions or anything needs to be clarified.

Thanks!

John Cronin
Office of Rep. Mark Born
39th Assembly District



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-4101/P1
GMM...

EN 1124
(S) (M)

(Today (Tues)
or Wed

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

EN 1124

Gen

- 1 AN ACT ...; relating to: exempting employers from keeping records of the hours
2 of employment of an employee who is exempt from the overtime pay
3 requirement and who is not compensated on an hourly rate basis.

Analysis by the Legislative Reference Bureau

X Under current administrative rules promulgated by the Department of
Workforce Development (DWD), employers are generally required to pay employees
1.5 times their regular rates of pay for all hours worked in excess of 40 hours per week
(overtime pay). Those rules, however, exempt from the overtime pay requirement
X certain employees, including employees whose primary duty consists of
X administrative, executive, or professional work; outside salespersons; highly
X compensated employees; and computer professionals (exempt employees). Current
law also requires an employer to keep records of the hours of employment and wages
of its employees, including its exempt employees.

This bill provides that an employer is not required to keep a record of the hours
of employment of an exempt employee who is not compensated on an hourly rate
basis.

*The people of the state of Wisconsin, represented in senate and assembly, do
enact as follows:*

- 4 SECTION 1. 104.09 of the statutes is amended to read:

104.09 Records. Each employer shall keep a record of the names and addresses of all student learners and employees, the hours of employment and wages of each, and such other records pertaining to ability as the department requires, except that an employer is not required to keep a record of the hours of employment of an employee who is exempt under rules promulgated by the department from the requirement under s. 103.02 that an employee be paid overtime compensation, as defined in s. 103.025 (1) (c), and who is not compensated on an hourly rate basis.

SECTION 2. Initial applicability.

(1) **EXEMPT EMPLOYEES.** This act first applies to an employee who is affected by a collective bargaining agreement that contains provisions inconsistent with this act on the day on which the collective bargaining agreement expires or is extended, modified, or renewed, whichever occurs first.

(END)

D-Note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4101/P1dn
GMM...*EF*

Date

Representative Born: *Section*

X LRB ~~13~~⁰⁹-0981/1 only refers to bona fide executive, administrative, and professional employees. *X* DWD 274.04, however, actually exempts from the overtime pay requirement 15 categories of employees, including outside salespersons, highly compensated employees, and computer professionals. Accordingly, this draft is not limited to bona fide executive, administrative, and professional employees, but rather includes all exempt employees. The bill, however, includes a requirement that the employee not be compensated on an hourly rate basis. If an otherwise exempt employee is compensated on an hourly rate basis, the employer would still need to keep records of the employee's hours.

Gordon M. Malaise
Senior Legislative Attorney
Phone: (608) 266-9738
E-mail: gordon.malaise@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4101/P1dn
GMM:kjf:rs

January 28, 2014

Representative Born:

LRB-0981/1 only refers to bona fide executive, administrative, and professional employees. Section DWD 274.04, however, actually exempts from the overtime pay requirement 15 categories of employees, including outside salespersons, highly compensated employees, and computer professionals. Accordingly, this draft is not limited to bona fide executive, administrative, and professional employees, but rather includes all exempt employees. The bill, however, includes a requirement that the employee not be compensated on an hourly rate basis. If an otherwise exempt employee is compensated on an hourly rate basis, the employer would still need to keep records of the employee's hours.

Gordon M. Malaise
Senior Legislative Attorney
Phone: (608) 266-9738
E-mail: gordon.malaise@legis.wisconsin.gov

Malaise, Gordon

From: Cronin, John
Sent: Wednesday, January 29, 2014 8:50 AM
To: Malaise, Gordon
Subject: RE: Drafting request

Hi Gordon,

I have received the LRB 4101/P1 draft and the drafter's note. My boss thinks all the language is fine so you can go ahead and convert it to an introducible "/1" draft. I know you guys are probably swamped but it is my goal to send out a co-sponsorship memo with an introducible version of the bill attached by noon today. Thanks again for your help!

John Cronin
Office of Rep. Mark Born
39th Assembly District

From: Malaise, Gordon
Sent: Tuesday, January 28, 2014 1:09 PM
To: Cronin, John
Subject: RE: Drafting request

John:

Yes. We can do that. It is a short draft and the editor's "now" and "today" baskets are empty.

Gordon

From: Cronin, John
Sent: Tuesday, January 28, 2014 12:30 PM
To: Malaise, Gordon
Subject: FW: Drafting request

Hi Gordon,

Thanks for the update over the phone earlier. I'm not sure how long the editing process takes, but would it be possible for you to send the bill over either later today or tomorrow?

Thanks,

John Cronin
Office of Rep. Mark Born
39th Assembly District

From: Cronin, John
Sent: Thursday, January 23, 2014 2:24 PM
To: Malaise, Gordon
Subject: Drafting request

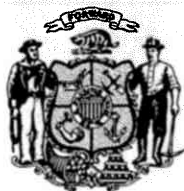
Hi Gordon,

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Thanks!

John Cronin

Office of Rep. Mark Born
39th Assembly District



State of Wisconsin
2013 - 2014 LEGISLATURE

IN 11/29

Now - convert to 11



LRB-4101/11
GMM:kjfrs

Keep

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

✓

Regen

- 1 AN ACT *to amend* 104.09 of the statutes; relating to: exempting employers from
- 2 keeping records of the hours of employment of an employee who is exempt from
- 3 the overtime pay requirement and who is not compensated on an hourly rate
- 4 basis.

Analysis by the Legislative Reference Bureau

Under current administrative rules promulgated by the Department of Workforce Development, employers are generally required to pay employees 1.5 times their regular rates of pay for all hours worked in excess of 40 hours per week (overtime pay). Those rules, however, exempt from the overtime pay requirement certain employees, including employees whose primary duty consists of administrative, executive, or professional work; outside salespersons; highly compensated employees; and computer professionals (exempt employees). Current law also requires an employer to keep records of the hours of employment and wages of its employees, including its exempt employees.

This bill provides that an employer is not required to keep a record of the hours of employment of an exempt employee who is not compensated on an hourly rate basis.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 104.09 of the statutes is amended to read:

104.09 Records. Each employer shall keep a record of the names and addresses of all student learners and employees, the hours of employment and wages of each, and such other records pertaining to ability as the department requires, except that an employer is not required to keep a record of the hours of employment of an employee who is exempt under rules promulgated by the department from the requirement under s. 103.02 that an employee be paid overtime compensation, as defined in s. 103.025 (1) (c), and who is not compensated on an hourly rate basis.

SECTION 2. Initial applicability.

(1) **EXEMPT EMPLOYEES.** This act first applies to an employee who is affected by a collective bargaining agreement that contains provisions inconsistent with this act on the day on which the collective bargaining agreement expires or is extended, modified, or renewed, whichever occurs first.

(END)

Parisi, Lori

From: Cronin, John
Sent: Wednesday, January 29, 2014 11:47 AM
To: LRB.Legal
Subject: Draft Review: LRB -4101/1 Topic: Records of hours of employment; exception for exempt employees

Please Jacket LRB -4101/1 for the ASSEMBLY.